

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 UNITED STATES OF AMERICA,

8 Plaintiff(s),

9 v.

10 CHRISTOPHER SANGALANG, et al.,

11 Defendant(s).

Case No. 2:08-CR-163 JCM (GWF)

ORDER

12
13 Presently before the court is Alfredo Flores's motion to vacate, set aside, or correct sentence
14 pursuant to 28 U.S.C. § 2255. (ECF No. 705). That statute states that "[u]nless the motion and
15 the files and records of the case conclusively show that the prisoner is entitled to no relief, the
16 court shall cause notice thereof to be served upon the United States attorney." 28 U.S.C. § 2255(b).

17 The court finds that a government response is appropriate here.¹ (ECF No. 705).

18 Accordingly,

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the government shall
20 have twenty-eight (28) days from the date of this order to submit a response to the present motion,
21 and that response shall address, *inter alia*, Mr. Flores's argument regarding the jury verdict form.

22 ...

23 ...

24 ...

25
26
27 ¹ "There currently exists no absolute right to appointment of counsel in habeas
28 proceedings." *Barghoorn v. Clark*, No. CIVS071996MCEADAP, 2007 WL 3245336, at *1 (E.D.
Cal. Nov. 2, 2007) (citing *Nevius v. Sumner*, 105 F.3d 453, 460 (9th Cir. 1996)). However,
appointment of counsel may be necessary in certain circumstances. *See generally* Fed. R.
Governing §2255 Cases.

1 IT IS FURTHER ORDERED that petitioner shall have twenty-one (21) days from the date
2 of service of the government's response wherein to file a reply.

3 DATED August 1, 2017.

4 
5 UNITED STATES DISTRICT JUDGE
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28